

honey if desired and drink before meals," it may cause dependence upon laxatives to move the bowels; and that it should not be used when there was nausea, vomiting, abdominal pain, or other symptom of appendicitis.

Formula #7 and Rheumatix. Misbranding, Section 502 (a), the label designation "Rheumatix" and the following statements on the carton label (in English and Polish) "For Rheumatism, Gout, Arthritis" and (in English) "Rheumatism is to be regarded as the name standing for similar troubles such as Neuritis, Sciatica, Lumbago, Muscular Chill, and all muscular Pain" were false and misleading since such statements represented and suggested that the article was an adequate and effective treatment for such disease conditions, when such was not the case.

Formula #10 and Reducerix. Misbranding, Section 502 (a), the label designation "Reducerix" and the following statement on the carton label (in English and Polish) "For Obesity and Overweight" were false and misleading since the article was not effective for reducing obesity and overweight; Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (2), its labeling failed to bear adequate warnings to the effect that, if used frequently or continuously or as directed in the labeling, namely, "Twice daily, pour a glass of boiling water over 1 or 2 tablespoonfuls of herbs, boil for 5 minutes, allow to cool, strain, and drink before breakfast and bedtime," it may cause dependence upon laxatives to move the bowels.

Urix. Misbranding, Section 502 (a), the label designation "Urix" and the statement on the carton label "For Kidneys and Bladder" were false and misleading since the article was not effective for diseases of the kidneys, bladder, and other organs of the urinary tract.

Anti-Diabetix. Misbranding, Section 502 (a), the label designation "Anti-Diabetix" and the statement on the carton label "To promote and help regular functions of the Pancreas (Sugar Diabetes)" were false and misleading since the article was not effective to promote and help regular functions of the pancreas or for diabetes.

Chestix. Misbranding, Section 502 (a), the label designation "Chestix" and the statement on the carton label "For Coughs, Colds, Bronchitis and Lung Troubles" were false and misleading since the article was not effective for diseases of the chest, coughs, colds, bronchitis, and lung troubles.

Herb mixture for the bath and Bathix. Misbranding, Section 502 (a), the statement on the carton label "For * * * Strengthening Bath and Douche" was false and misleading since the article was not effective as a strengthening bath and douche; and, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings against unsafe duration of administration, in such manner and form, as are necessary for the protection of users since its labeling failed to warn that frequent use as a douche may be harmful.

The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: June 9, 1953. Default decree of condemnation and destruction.

4227. Misbranding of Niagara device. U. S. v. 66 Kits, etc. (F. D. C. No. 35344. Sample Nos. 6708-L, 45200-L.)

LABEL FILED: June 29, 1953, District of Massachusetts.

ALLEGED SHIPMENT: The devices and certain printed matter were shipped by the Niagara Mfg. & Distributing Corp. of Adamsville, Pa., from Lansdowne,

Pa., on or about April 28, 1953, and 10 pages of testimonials were shipped on an unknown date by the Niagara Equipment Distributing Co., from Upper Darby, Pa.

PRODUCT: 66 kits, each kit consisting of 2 articles of device known as the "Niagara All-Purpose Pillow" and the "Niagara Hand Unit," at Boston, Mass., in the possession of Niagara of New England, together with various quantities of accompanying printed matter consisting of a reprint from the February 1953 issue of "The Philadelphia Magazine" entitled "The Story of Niagara" and a reprint from "Science Digest" entitled "'Blood Flow Tells Age'"; a pamphlet headed "Coaches Trainers Athletes . . . Here's how Niagara Deep Massage can help you" and a pamphlet headed "Retail Stores, Restaurants * * * here are coin-operated Niagara Massage-O-Matics"; a folder entitled "Your Personal Masseur Available 24 Hours A Day! Niagara Deep Mechanical Massage"; a reprint from the September 1951 issue of "Hospital Management" magazine headed "In The Field of Physio-Therapy—Niagara Mechanical Equipment Is Unique," a reprint from "Physical Therapy Review" headed "induce complete relaxation with Niagara Cyclo-Therapy," and a reprint from "Modern Hospital" and "Hospital Management" headed "induce complete relaxation with Niagara Cyclo-Therapy"; a salesman's manual headed "Longer Life Is Yours Today"; and 10 pages of testimonials (these testimonials were inserted in the salesman's manual).

Examination showed that the devices were vibrators. The hand unit was so designed as to adapt it to be held in the hand while being applied to any part of the body, and the all-purpose pillow was designed for sitting, leaning, or resting the feet upon.

NATURE OF CHARGE: Misbranding, Section 502 (a), the accompanying labeling of the devices, namely, the above-mentioned reprints, pamphlets, folders, and salesman's manual, contained statements which were false and misleading. The statements represented and suggested that the devices would insure good circulation, enabling the user to regain and maintain it, effect rejuvenation, correct circulatory ailments, reduce and prevent injuries, effect increased rapidity of healing injuries, pulled tendons, and other muscle and bone injuries, reduce absenteeism, keep the most inactive person in good condition, and remedy sore and aching muscles, sore legs, and stiff joints; that they would effectively treat sleeplessness, hypertension, circulatory deficiencies, and cartilaginous and bony overgrowths; that they would heal broken ankles, effect increase in weight of thin girls, help nature keep the human body functioning properly, and trim one's figure; that they would effectively treat dislocations, injured elbows, knees, wrists, ankles, etc.; and that they would prevent muscular atrophy after injury, speed the healing of fractures and spinal injuries, and assist the heart. The devices would not effect the results or fulfill the promises of benefit stated and implied. The devices were misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the accompanying labeling of the devices, namely, the 10 pages of testimonials inserted in the salesman's manual, contained statements which were false and misleading. The statements represented and suggested that the devices constituted an effective treatment for multiple sclerosis, kidney disorders, fibrous swelling or infiltration in the interior of the body, accumulation of fibrous, cartilaginous, and body overgrowth of joint, chronic degenerative conditions, including arthritis and diabetes, sinus condition, muscular contractures, tumors, varicosities and

eruptions, and hemiplegia; and that the devices would help humanity restore itself to normal health, improve respiratory processes and functions, stimulate secretion, improve muscular and general metabolism, stimulate the excretory organs, and assist elimination. The devices would not effect the results nor fulfill the promises of benefit stated and implied. The devices were misbranded in this respect while held for sale after shipment in interstate commerce.

Further misbranding, Section 502 (f) (1), the labeling of the devices failed to bear adequate directions for effective treatment of poor circulation, circulatory ailments, sore, aching joints, sagging chin, etc., insomnia, bruises, sprains, fractures, and many other bone and muscle ailments, sagging muscles, varicose veins, arthritis, gangrene, paralysis resulting from polio, bursitis, prostate gland trouble, pain and paralysis of arm and leg after stroke, constipation, and broken ankles; and for preventing malfunctioning of the heart, lungs, liver, and intestines, enabling all to keep in better physical condition, adding years to one's life, and keeping one young without the usual pains and aches, which are the purposes for which the articles were offered in an advertisement in a Boston newspaper disseminated and sponsored by the distributor, Niagara of New England, and orally by a representative of the consignee. The devices were misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: July 21, 1953. Niagara of New England, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the printed matter which accompanied the devices be destroyed and that the devices be released to the claimant.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

4228. Adulteration of agaric root (peelings). U. S. v. 3 Bags * * *. (F. D. C. No. 35406. Sample No. 49983-L.)

LIBEL FILED: August 28, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 27, 1952, from Missoula, Mont.

PRODUCT: *Agaric root* (peelings). 3 bags, each containing 272 pounds, of the product at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 21, 1953. Default decree of condemnation and destruction.

4229. Adulteration of Private Formula No. 21. U. S. v. 72 Bottles * * *. (F. D. C. No. 35443. Sample No. 62101-L.)

LIBEL FILED: July 29, 1953, Southern District of Iowa.

ALLEGED SHIPMENT: On or about June 10, 1953, from Peoria, Ill.

PRODUCT: 72 6-ounce bottles of *Private Formula No. 21* at Davenport, Iowa.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 18, 1953. Default decree of condemnation and destruction.